



Chicago Estate Planning Council

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What happens when a person dies without a will?



Without a will, a deceased person's estate passes by the laws of intestacy, which may not reflect the deceased person's true wishes. The laws of intestacy which generally apply are the laws of the state in which the person resided at death. The persons who receive the deceased person's property by intestacy receive it outright (except for minors, for whom property will usually be held in a guardianship until age 18). This may not be what the deceased person would have wanted. Finally, if a person dies without a will, the deceased person's estate will be managed by an administrator selected by the court, and that administrator may not be the administrator the deceased person would have selected.

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